

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**DANIEL D. REED, JR.**

**PETITIONER**

**v.**

**CAUSE NO. 3:17CV870-LG-LRA**

**BILLY SOLLIE**

**RESPONDENT**

**ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING  
MOTION TO DISMISS**

This cause comes before the Court on the [7] Report and Recommendation of United States Magistrate Judge Linda R. Anderson, entered in this cause on April 30, 2018. The respondent in this habeas corpus action filed a motion to dismiss on the grounds that the petitioner may not have pending criminal charges against him dismissed by means of federal habeas corpus. Alternatively, the respondent argued that the petitioner had failed to exhaust his state court remedies to the extent that he had made a speedy trial claim; because he did not first make a speedy trial claim in the Lauderdale County Circuit Court, the state courts could not and did not consider them on the merits. Thus, the claims in this federal habeas petition had not been fairly presented to the state courts. The petitioner did not file an objection to Magistrate Judge Anderson's determination that dismissal of the habeas corpus petition was appropriate on the basis that it prematurely and impermissibly seeks to raise constitutional claims through federal habeas corpus provisions. Therefore, the Court need only review the Report and Recommendation to determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

After having reviewed the Report and Recommendation, the record in this case, and the relevant law, the Court finds the Magistrate Judge's conclusions neither clearly erroneous nor contrary to law. The Court will grant the respondent's Motion to Dismiss and dismiss the petitioner's habeas corpus petition with prejudice.

**IT IS THEREFORE ORDERED AND ADJUDGED** that the [7] Report and Recommendation of United States Magistrate Judge Linda R. Anderson entered in this cause on April 30, 2018, should be, and the same hereby is, adopted as the finding of this Court.

**IT IS FURTHER ORDERED AND ADJUDGED** that the respondent's [5] Motion to Dismiss is **GRANTED**. The petitioner's habeas corpus petition brought pursuant to 28 U.S.C. § 2241 is **DISMISSED** with prejudice.

**SO ORDERED AND ADJUDGED** this the 28th day of June, 2018.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE